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NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, March 9, 2016, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihue, on the following:

Bill No. 2616

A BILL FOR AN ORDINANCE TO AMEND SECTION 22-2.4 AND SECTION 22-10.6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO IMPOUNDMENT FEES

This Bill proposes to amend Section 22-2.4 and Section 22-10.6, Kaua'i County Code 1987, as amended, relating to Impoundment Fees charged by the Kaua'i Humane Society for keeping a stray or unlicensed dog.

The purpose of this Bill is to align the impoundment fee established in Article 2, Stray Dogs, with the impoundment fee established in Article 10, Dog Licenses and Regulations. Additionally, Section 22-10.6 is further amended to give the Kaua'i Humane Society the discretion to reduce the total amount of impoundment fee owed and collected, as dictated by the circumstances.

Bill No. 2617

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kaua'i Humane Society Barking Dog Enforcement - \$33,901*)

This Bill proposes to amend Ordinance No. B-2015-796, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawaii, for the fiscal year July 1, 2015 through June 30, 2016, by revising the amounts estimated in the General Fund and appropriating \$33,901.00 to the Department of Finance-Administration, Special Projects, Kaua'i Humane Society-Barking Dog Enforcement line item.

The purpose of this Bill is to appropriate funding in the amount of \$33,901.00 for additional costs identified by the Kaua'i Humane Society to effectively enforce the Barking Dog Nuisance Ordinance (Ordinance No. 996). This appropriation will cover the following costs for the remainder of Fiscal Year 2015-2016 (4 months):

Salaries:	\$ 4,667.00
(1) Enforcement Officer-Barking Dog Nuisance, 16 hours/week, no medical benefits	
Vehicle	\$28,000.00
Insurance	\$ 500.00
Maintenance	\$ 400.00
Fuel	\$ 334.00

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the proposed Bills are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend these Bills at its subsequent meetings. Meeting notices are posted at least 6 days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2616 and Bill No. 2617 were passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on February 10, 2016, by the following vote:

AYES: Chock, Hooser, Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 6,
NOES: None	TOTAL – 0,
EXCUSED & NOT VOTING: Yukimura	TOTAL – 1,
RECUSED & NOT VOTING: None	TOTAL – 0.

Lihu'e, Hawai'i  
February 11, 2016

/s/ Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – February 18, 2016)

**A BILL FOR AN ORDINANCE  
TO AMEND SECTION 22-2.4 AND SECTION 22-10.6,  
KAUA'I COUNTY CODE 1987, AS AMENDED,  
RELATING TO IMPOUNDMENT FEES**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Section 22-2.4, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 22-2.4 Impounding.

Any stray dog may be seized and impounded by any person authorized by law, and shall be disposed of in accordance with the provisions of Chapter 143, H.R.S., provided that the impounding fee shall be [five dollars (\$5.00) a day for the number of days over two (2) days the dog is impounded.] in accordance with Sec. 22-10.6, Kaua'i County Code 1987, as amended.”

SECTION 2. Section 22-10.6, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 22-10.6 Seizure and Redemption of Unlicensed Dogs.

Every officer shall seize any unlicensed dog found running at large, or found upon any public highway, street, alley, court, place, square, or grounds, or upon any unfenced lot, or not within a sufficient enclosure, whether in the immediate presence of the owner or otherwise, and shall confine it in a pound or any suitable enclosure for a period of forty-eight (48) hours, during which time it shall be subject to redemption by its owner by payment of the license due, if any, and a penalty as follows:

	No. of Incidences occurring within twelve months of first incident.			
	First	Second	Third	Fourth or more
Altered & Licensed Dog	\$20	\$25	\$30	\$35
Altered & Unlicensed Dog	\$30	\$35	\$40	\$45
Unaltered & Licensed Dog	\$40	\$45	\$50	\$55
Unaltered & Unlicensed Dog	\$50	\$55	\$60	\$65

If not so redeemed, the dog shall be sold by the officer for the amount of the license and penalty due, or as much more as can be obtained therefore provided that the officer may neuter or require the neutering of the dog prior to sale, and if not sold it shall be humanely destroyed. The owner of any unlicensed dog impounded and not claimed within forty-eight hours as provided in this section, may redeem the dog at any time before sale or destruction of the dog by paying to the officer, in addition to the amount of the license and penalty, an impoundment fee per day for the number of days over two days the dog was impounded. The impoundment fee [shall] may be Twelve Dollars (\$12.00) per day. Of the money received, the amount of the license fee shall be paid to the director of finance and the balance shall be retained by the officer to defray the expenses of collecting, keeping, and feeding the dog.

“Officer” as used herein means any sheriff, deputy, any member of the police force, and animal control officers.”

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 4. Material to be deleted is bracketed. New material is underscored. In printing this Ordinance, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:



MEL RAPOZO

DATE OF INTRODUCTION:

**February 10, 2016**

Līhu‘e, Kaua‘i, Hawai‘i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2616, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on February 10, 2016, by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
February 11, 2016



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

ORDINANCE NO. \_\_\_\_\_

BILL NO. 2617

**A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796,  
AS AMENDED, RELATING TO THE OPERATING BUDGET OF  
THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR  
JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS  
ESTIMATED IN THE GENERAL FUND**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. That pursuant to Sections 19.07B and 19.10A of the Charter of the County of Kauai, as amended, Ordinance No. B-2015-796, as amended, relating to the Operating Budget of the County of Kauai, State of Hawaii, for the Fiscal Year July 1, 2015 through June 30, 2016, be hereby amended as follows:

The sum of \$33,901.00, by revising the amounts estimated in the General Fund, from the following account

001-0000-271.00-00      Equity / Fund Balance – Unassigned      \$33,901.00

Be and is hereby appropriated for the following purpose in the General Fund:

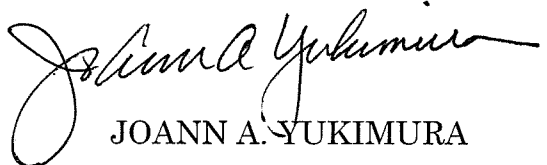
Department of Finance – Administration

001-0501-512.35-00      Special Projects

Kauai Humane Society – Barking Dog Enforcement      \$33,901.00

SECTION 2. This Ordinance shall take effect upon its approval.

Introduced by:

  
JOANN A. YUKIMURA

DATE OF INTRODUCTION:

February 10, 2016

Lihu'e, Kauai, Hawaii


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CERTIFICATE OF THE COUNTY CLERK

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AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
February 11, 2016



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i